

**UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA**

NORTHERN DIVISION

2006 MAY -5 P 3: 56

JESSIE TOMPKINS Sr.

Plaintiff,

VS

JUDGE JOHN JONES,  
JUDGE PATRICIA WARNER,  
JESSICA LARRY,  
AUDRA BEASLEY,  
CAPT. CHRISTOPHER LOWERY,  
CITY OF MONTGOMERY,  
MONTGOMERY COUNTY YOUTH  
FACILITY, BETTY BARKER,  
ESQUIRE JULIANNA TAYLOR.  
Defendants.

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

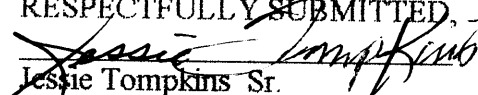
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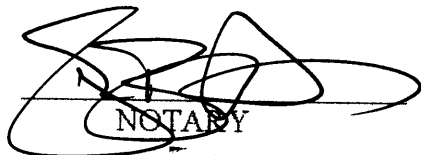
AFFIDAVIT OF JESSIE TOMPKINS IN SUPPORT OF HIS MOTION  
IN OPPOSITION TO THE RECOMMENDATION OF  
MAGISTRATE JUDGE ,TO DISMISS  
CLAIMS UNDER 28 U.S.C. SECTION  
1915(E)(2)(b)(I)-(ii)(iii).

1. I am submitting this affidavit in opposition to the **Recommendations of the Magistrate Judge, to dismiss all claims under 28 U.S.C.1915 (e) (2) (B) (I) (ii) (iii).** I have not filed this petition under Title 28 United State Code Section 1915, for proceedings in forma Pauperis.
2. I have not filed a civil action with the Probate Court of Dallas County, Alabama and nor have I been a party to any litigation in Dallas County.
3. Complaint Exhibit A, was forged in and notarized in the Dallas County Probate Office without my present. However, this document was executed under criminal pretense in violation of Alabama Code 13A-9-3.
4. Judge Warner denied me the right to due process of the law under the fourteenth (14<sup>th</sup>) Amendment, to give me the right to challenge the removal proceeding and

- custody proceeding of my minor son. As guaranteed under the Sixth (6) Amendment, to the U.S. Constitution.
5. I was not given Adequate notice to hire a new attorney, prepare for removal proceeding and Ms. Barkers Petition for Custody. While I was placed under custodial arrest for five (5)hours. Judge Warner held hearing to appoint my attorney to represent Ms. Barker. ( **see complaint Exh. U**).
  6. I was simply not given notice of Judge Warner removal hearing or that Attorney Rothschild had been appointed to represented Ms. Barker in earlier morning proceedings on the 11<sup>th</sup> of April 2006. (**AFF. Exh. X**).
  7. On April 12<sup>th</sup> 2006, Judge Warner recused herself from all pending cases, after she maliciously and arbitrarily rule against me in all cases pending before her court without hearing all the evidence. (see **affidavit Exh.Y**)
  8. There are no appeals pending in the family court relating to this matter.
  9. Exhibit A, is a contractual agreement, that the Dallas County Probate Judge Jones used to violate my rights to due process of the law under the 14<sup>th</sup> amendment pursuant to 42 U.S.C. section 1981, 1983 and 1985(3)., In that Judge Jones used his office to commit a criminal act to assist Ms. Larry in advancing her military career.
  10. Exhibit A, is also apart of Ms. Larry's military re-enlistment contract, that also required my participation as to my parental rights under Ms. Larry's military contract with my son. , Judge Jones in violating my rights, acted under color of law to deprive me of a constitutional protected right under the 14<sup>th</sup> amendment to the U.S. Constitution pursuant to 42 U.S.C. section 1983 and section 1985.
  11. Captain Christopher Lowery, fraudulently acted of color of law as a U.S. Army Commissioned officer to facilitate Ms. Larry's re-enlistment in the Army. Therefore, violating my rights to contract , pursuant to my rights secured and guaranteed under the 14<sup>th</sup> amendment pursuant to title 42 U.S.C. section 1983 and section 1985(3).

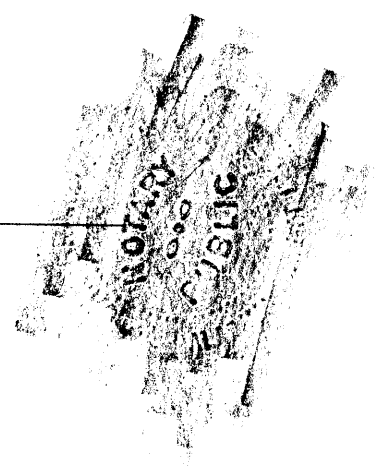
RESPECTFULLY SUBMITTED, -

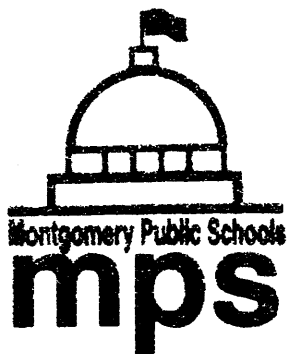
  
Jessie Tompkins Sr.  
13180 U.S. Hwy 80 East  
Pike Road, Alabama 36064

  
NOTARY

**My Commission Expires 5/19/08**

SEAL





*Superintendent*  
Carlinda Purcell, Ed.D.

307 South Decatur Street  
Post Office Box 1991  
Montgomery, AL 36102-1991

*Board Members*  
Dr. Mark LaBranche, *Chairman*  
Tommie Miller, *Vice Chairman*

Dave Borden  
Mary Briers  
Vickie Jernigan  
Henry A. Spears  
Beverly Ross

(334) 223-6700  
[www.mps.k12.al.us](http://www.mps.k12.al.us)

April 12, 2006

Mr. Jessie Tompkins  
Teacher  
Youth Facility

Dear Mr. Tompkins:

You are hereby being placed on paid administrative leave today, Wednesday, April 12, 2006 and Thursday, April 13, 2006 (2 days). You may return to your position at the Youth Facility on Monday, April 17, 2006.

Sincerely,

Jimmy Barker  
Assistant Superintendent  
Office of Human Resources

Tom Barker, Adm. Assistant – Youth Facility  
Personnel File

- V -

IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA  
DOMESTIC RELATIONS DIVISION

IN RE THE MATTER OF:

**JESSIE TOMPKINS,**

Plaintiff,

and

**AUDRA BEASLEY**

**Defendant.**

**CASE NO. DR-06-399**

## ORDER

THIS CAUSE comes before the Court Petition For Protection From Abuse, filed by the Plaintiff. Upon consideration thereof, the Court finds and it is hereby,

**ORDERED, ADJUDGED AND DECREED** as follows:

1. That the allegations of the Plaintiff do not meet the standards required under the Protection From Abuse Act, and the Petition for Protection from Abuse is due to be and the same is hereby DISMISSED.

2. That a copy of this Order be transmitted to the Plaintiff, pro se.

DONE this the 18<sup>th</sup> day of April, 2006.

**Anita L. Kelly**  
**CIRCUIT JUDGE**

Jessie Tompkins  
13180 U.S. Highway 80 East  
Pike Road, AL 36064

21 APR 18 1968  
FBI  
DOMESTIC RELATIONS DIV.  
HONOLULU FIELD OFFICE

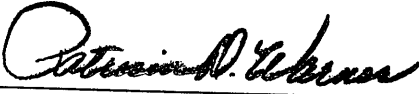
IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA  
DOMESTIC RELATIONS DIVISION

In Re the Matter of	)	
	)	
JESSIE TOMPKINS,	)	
Plaintiff,	)	
	)	
vs.	)	CASE NUMBER DR-06-399
	)	
AUDRA BEASLEY,	)	
Defendant.	)	

**ORDER OF RECUSAL**

IN THIS CAUSE the undersigned Judge does hereby RECUSE AND DISQUALIFY herself from hearing and deciding any and all matters now or hereafter to come before this Court, and does hereby submit this cause for REASSIGNMENT.

DONE this the 12<sup>th</sup> day of April, 2006.

  
\_\_\_\_\_  
PATRICIA D. WARNER  
Circuit Judge

-X-

Page 1 of 6

**In The Family Court of Montgomery County, Alabama**  
**DEPENDENT COMPLAINT,**  
**CUSTODY AFFIDAVIT AND PETITION**

Case Number  
 JU 2005 56403  
 DHR \_\_\_\_\_  
 Form Intake

My name is BETTY Barber/Jessica Griggs 421216399  
Complainant's name Social Security # Date of Birth  
 My Relationship to the Child ANUT (COUNSEL) MOTHER 8/14/85  
Complainant's address, city, state and zip code Occupation  
 My address is 3324 Apt B Otis Lane COOK / military  
 Home Number 334-221-5791 Work Number 334-284-0370

In The Matter Of Jessie James Thompson DOB 9/10/04  
Full legal name of Child or Minor Social Security # Date of Birth

( ) see sibling(s) Addendum Page

School and Grade \_\_\_\_\_ Race B Sex M

The Child lives at this address 845 TERRACE AVE 36116 262-5921  
Child's address city, state, and zip code Telephone number for Residence of Child#

The Child lives with JESSIE THOMPSON 7 MONTHS  
Name(s) and relationship of person (s) Child lives with How Long

The name of the Child's Father is JESSIE THOMPSON DOB  
Social Security # Date of Birth

His residence address is 845 TERRACE AVE 36116 ( ) 262-5921  
Father's home address, city, state and zip code Father's Telephone Number

Father's Place of Employment TEACHER Fathers Work Number 261-400

Does Father Pays Child Support: Yes \_\_\_\_\_ / No X Amount: \$ \_\_\_\_\_

The name of the Child's Mother is JESSICA GRIGGS 421-21-6399 DOB 8/14/85  
Social Security # Date of Birth

Mother's Place of Employment US. MILITARY Mother's Work Number (IRAQ)

Her residence address is 506 COLUMBIA AVE 36108 ( )  
MILITARY ADDR 584 MC OIF 4 FOB S PO BOX 109393  
Mother's home address, city, state and zip code Mother's Telephone Number

Does Mother Pays Child Support Yes \_\_\_\_\_ / No \_\_\_\_\_ Amount: \$ \_\_\_\_\_  
 JUVENILE COURT

Child's Parents are: Married (X) / Never Married / Separated / Divorced / Common Law (mark one)

Legal Custody of the Child is vested in Jessie Thompson DATE OF BIRTH  
APR 11 2006  
TERESA H. ALLEN  
JUVENILE COURT CLERK

The Legal Custodian's residence address is 845 Terrace Ave. Montgomery AL 36116  
Address, city, state and zip code of the Legal

Home Telephone Number ( ) 262-5921 Work Telephone Number ( ) \_\_\_\_\_

- EXH. X -

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**In The Family Court of Montgomery County, Alabama**  
**DEPENDENT COMPLAINT,**  
**CUSTODY AFFIDAVIT AND PETITION**

Case Number  
 JU 200556403  
 DHR \_\_\_\_\_

Is the family known to The Department of Human Resources or any other agency: Yes \_\_\_\_ / No ✓  
 If yes for what reason: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

The Child is **DEPENDENT** and is **IN NEED OF CARE OR SUPERVISION** as defined 12-15-1 Code of Alabama, 1975, for the reason(s) checked below:

*Check at least one of the types of dependency listed below*

- ☐ The Child(ren) is destitute, homeless, or dependent upon the public for support.
- ☐ The Child(ren) is without a parent or guardian able to provide for the child's support, training, or education.
- ☒ The Child(ren)'s custody is the subject of controversy.
- ☐ The Child(ren)'s parent, parents, guardian, or other custodian neglects or refuses, when able to do so when such service is offered without charge, to provide or allow medical, surgical, or other care necessary for the child's health or well-being.
- ☐ The Child(ren)'s parent, parents, guardian, or custodian fails, refuses, or neglects to send the child to school in accordance with the terms of the compulsory school attendance laws of
- ☐ The Child(ren) has been abandoned by the child's parents, guardian, or other custodian.
- ☐ The Child(ren) is physically, mentally, or emotionally abused by the child's parents, guardian, or other custodian or who is without proper parental care and control necessary for the child's well-being because of the faults or habits of the child's parents, guardian, or other custodian or their neglect or refusal, when able to do so, to provide for them.
- ☒ The Child(ren)'s parents, guardian, or other custodian, are unable to discharge their responsibilities to and for the child.
- ☐ The Child(ren) has been placed for care or adoption in violation of the law.
- ☐ The Child(ren) is in need of the care and protection of the State of Alabama.

The Child(ren)'s dependency is evidenced by the following facts: *Describe the specific events or conditions that cause the child to be dependent.*

THE JUDGE WARNER REMOVED THE CHILD  
FROM THE FATHER'S CUSTODY. THE MOTHER IS  
IN IRAQ (RETURNING TO IRAQ)

The said child is also in immediate or threatened danger of physical and/or emotional harm and should be immediately removed because JUDGE'S ORDER,



Page 3 of 6

**In The Family Court of Montgomery County, Alabama**  
**DEPENDENT COMPLAINT,**  
**CUSTODY AFFIDAVIT AND PETITION**

Case Number  
 JU 2005-564,03  
 DHR \_\_\_\_\_

**CUSTODY AFFIDAVIT**

The Child(ren) have lived at the following addresses during the last five (5) years. *List the complete addresses with dates.*

Address	City	State	Zip Code	Dates: From and To
845 TERRACE AVE	MOBILE		36116	BIRTH

The names and current addresses whom the child(ren) have lived with during the last five (5) years are: *List the names and current addresses.*

Name	Address	City	State	Zip Code
JESSIE TOMPKINS	845 TERRACE			36116
JESSICA CRIGGS	11			36116

Have you participated in other cases concerning custody of the child(ren) in Alabama or another state: *Write "None" or list the dates and locations of the other cases.*

Date	Location	Date	Location
NO			

Do you know of any other custody case concerning the Child(ren) pending in Alabama or another state: *Write "NONE" or list the names and complete addresses of these persons*

NO

List anyone you know who is not listed in this document who might claim to have physical custody or visitation with this child. I know of the following persons who are not otherwise identified in this document who have physical custody of the child(ren) or claim to have custody or visitation rights with respect to the Child(ren): *Write "NONE" or list the names and complete addresses of these persons.*

Name	Address	City	State	Zip Code
NO				



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**In The Family Court of Montgomery County, Alabama  
DEPENDENT COMPLAINT,  
CUSTODY AFFIDAVIT AND PETITION**

Case Number  
JU 2005 56403  
DHR \_\_\_\_\_

I further request that the Court take the following actions to provide the care and supervision necessary to resolve the Child's dependency:

*Explain what you want the Judge to do*

I WANT JOINT LEGAL CUSTODY WITH ~~FATHER~~.  
THE MOTHER. WITH MY HAVING PRIMARY PHYSICAL  
CUSTODY UNTIL MOTHER RETURNS FROM IRAQ  
APPROXIMATELY OCT 2006.

**\*\*\*Notice: A PARENT OR GUARDIAN OF THE SAID CHILD CAN BE MADE A PARTY TO THIS CASE PURSUANT TO 12-15-31 95) CODE OF ALABAMA 1975. A PERSON MADE A PARTY TO THIS CASE MAY BE REQUIRED TO PAY ATTORNEY FEES, TO PAY FOR EVALUATION AND TO PAY FOR CARE, SUPPORT, AND SUPERVISION OF THE CHILD. A PERSON MADE A PARTY MAY BE SUBJECT TO OTHER THINGS ALSO. FAILURE TO COMPLY WITH THE ORDERS OF THE COURT CAN ALSO RESULT IN CONTEMPT PROCEEDINGS, AND FAILURE TO MAKE PAYMENTS ORDERED CAN RESULT IN A CIVIL JUDGEMENT FOR THE COLLECTION OF THE PAYMENTS ORDERED.\*\*\***

I swear that I am informed and believe and state upon such information, knowledge, and belief that the foregoing allegations and facts are true.

Date 4/11/06 Complainant's Signature Betty A. Barker

SWORN TO AND SUBSCRIBED BEFORE ME

Date 4/11/06 [Signature]  
Intake Officer / Notary

RECEIVED AS A VERIFIED DEPENDENT  
COMPLAINT

4-11-06 10:33A.M. [Signature]  
Date Time Intake Officer

Page 5 of 6

**In The Family Court of Montgomery County, Alabama**  
**DEPENDENT COMPLAINT,**  
**CUSTODY AFFIDAVIT AND PETITION**

Case Number  
 JU 2005-56403  
 DHR \_\_\_\_\_

STATE OF ALABAMA  
 IN THE FAMILY COURT OF  
 MONTGOMERY COUNTY  
 JUVENILE DIVISION

\*  
 \*  
 \*

IN THE MATTER OF

Jessie James Tompkins Ju- 2005-564,03

Ju- \_\_\_\_\_

Ju- \_\_\_\_\_

Before me the undersigned authority, personally appeared BETTY BARKER who being known to me first duly sworn, deposes and says as follows: *Explain why you want custody and why the Court should change custody of the child(ren). List facts, dates and witnesses.*

I WANT JOINT LEGAL CUSTODY WITH THE MOTHER  
I WANT PRIMARY PHYSICAL CUSTODY UNTIL  
MOTHER RETURNS FROM IRAQ

THE MOTHER IS IN IRAQ. JUDGE WARNER  
REMOVED THE CHILD FROM THE CUSTODY OF THE  
FATHER. I

I CAN CARE FOR THE CHILD & GIVE HIM  
A GOOD HOME.

I SWEAR THAT I AM INFORMED AND BELIEVE AND STATE UPON SUCH INFORMATION, KNOWLEDGE, AND BELIEF THAT THE FOREGOING STATEMENTS AND FACTS ARE TRUE.

Date: 4/11/06Signature Betty A. Barker

SWORN TO AND SUBSCRIBED BEFORE ME THIS 11 DATE APRIL 2006

[Signature]

Intake Officer/ Magistrate/Notary